

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): P. Bonutti

Attorney Docket No: 780-A03-12D

Application No.: 10/727,290

Confirmation No.: 6924

Filed: December 3, 2003

Group Art Unit: 3733

For: BICOMPARTMENTAL KNEE IMPLANT AND  
METHOD

Examiner: Pedro Philogene

**AFFIDAVIT OF PRIOR INVENTION**

**PURSUANT TO 37 C.F.R. §1.131**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA. 22313-1450

Dear Sir:

I, Peter M. Bonutti, do declare and state:

I am the sole inventor of all claims of the above-identified application.

I invented the subject matter of the above-identified application prior to June 12, 2001, as evidenced by the following facts.

A patent application, attached hereto and marked as "Exhibit A", was filed August 28, 2001, assigned Application Number 09/941,185, and issued as U.S. Patent 6,702,821.

I claimed priority to Application 09/941,185 upon filing the above-identified application.

Application 09/941,185 provides a full and enabling disclosure of my invention in the above-identified application.

The computer file name of said patent application, as appears in a printout of the "Properties" dialog box attached hereto and identified as "Exhibit B", is BON-5837 APPLN.doc, which corresponds to the docket number given to the invention by my registered representative at the time of filing, as further evidenced in PAIR, a printout of which is attached as "Exhibit C".

The date I conveyed my invention to my registered representative, as evidenced by "Exhibit B", was prior to June 12, 2001.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 9/10/07

Peter M. Bonutti: 